

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION**

**ISIDRO PANDO,**  
*Plaintiff,*

v.

**CITY OF PRESIDIO, TEXAS, *et al.***  
*Defendants.*

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**PE:23-CV-00013-DC-DF**

**ORDER**

BEFORE THE COURT is Plaintiff Isidro Pando’s (“Plaintiff”) Motion to Refer Case to Mediation (“Motion for Mediation”) (Doc. 5). This matter is before the undersigned Magistrate Judge through a standing order of referral pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges.

On April 19, 2023, Plaintiff filed his Complaint against Defendants John Doe Nos. 1–3 and City of Presidio, Texas (“City of Presidio”). (*See* Doc. 1). On June 28, 2023, Plaintiff filed a Waiver of the Service of Summons (“Waiver of Service”), sent by City of Presidio on June 15, 2023. (*See* Doc. 4). The Waiver of Service grants City of Presidio sixty days after the waiver is sent to file an answer or other responsive pleading. (*See id.*); *see also* Fed. R. Civ. P. 12(a)(1)(A)(ii); *Grisham v. Valenciano*, No. SA-21-CV-00983-JKP, 2022 WL 2019290, at \*1 (W.D. Tex. June 6, 2022). City of Presidio<sup>1</sup> has not yet filed an answer or responsive pleading, and such is not due at this time.

On June 29, 2023, Plaintiff filed his unopposed Motion for Mediation, which requests that this case be sent to mediation. (*Id.*). With no scheduling order having been entered, and given that this case is in its incipiency, the Court finds that referral to mediation is appropriate here.

Accordingly, it is **ORDERED** that the Motion for Mediation be **GRANTED**. (Doc. 5). The parties shall have until **September 18, 2023**, to undertake and complete mediation. Although

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1. Defendants John Doe Nos. 1–3 are not represented on the Waiver of Service.

Plaintiff did not suggest or designate a mediator in his motion, if either party prefers that the Court recommend a mediator, the parties should notify the Court of such preference by **July 28, 2023**.

Further, it is **ORDERED** that the parties shall file a report summarizing the outcome of mediation by **October 2, 2023**.

Lastly, it is **ORDERED** that, if mediation is not successful in resolving Plaintiff's claims, City of Presidio shall file an answer or other responsive pleading as required by the Federal Rules of Civil Procedure by **October 2, 2023**.

It is so **ORDERED**.

SIGNED this 18th day of July, 2023.

  
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DAVID B. FANNIN  
UNITED STATES MAGISTRATE JUDGE